

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are pending in this application. Claims 1-15 are amended to clarify the claimed invention, and support for the amendments is found at least in original Claims 1-15. It is respectfully submitted no new matter is added by this amendment.

In the outstanding Office Action, Claims 1-3, 6-8, and 11-13 were rejected under 35 U.S.C. § 102(e) as anticipated by Esposito et al. (U.S. Patent No. 6,341,270, hereafter Esposito). Claims 4, 5, 9, 10, 14, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Esposito in view of Wolfe (U.S. Publication No. 2002/0123917).

Applicants thank Examiner Cuff for the interview granted Applicants' representatives on October 28, 2004. During the interview, how the claimed invention differed from the cited references of record, how the claims may be drafted to overcome the outstanding rejections, and proposed amendments to Claim 1 were discussed.

The specification is amended to include reference numeral 600 that is illustrated in Figure 1 and represents a network used to communicate between server 100, a computer of an online shopping dealer 300, and a computer of a shipping agent 400. It is respectfully submitted that no new matter is added by this amendment.

Before turning to the outstanding art rejections, it is believed that a brief review of the invention would be helpful. The online shopping server of amended Claim 1 acts as an intermediary between a user's terminal and a terminal of an online shopping dealer as illustrated in the non-limiting example of Figure 1. The online shopping server includes:

a communication interface configured to receive said article information and said identification information from said user's terminal and send said article information and user information to the terminal of an online shopping dealer of the article selected for purchase; and

a controller configured to retrieve data from said user database corresponding to said received identification information and produce user information including said name of the user and said destination designated by the user based on said identification information.

The controller of the online shopping server produces the name and shipping address of the user based on the identification information. Since the user is not required to enter data such as a name and shipping destination, the user can easily place an order for an article of an online shopping dealer, and the order is protected from tampering by third parties since the identification information sent by the user is extremely difficult to rewrite, as discussed in the specification at least at page 3, lines 5-20. Amended independent Claims 6 and 11 recite similar features as amended Claim 1 discussed above.

With regard to the rejection of Claims 1-3, 6-8, and 11-13 under 35 U.S.C. § 102(e) as anticipated by Esposito, that rejection is respectfully overcome.

Esposito discloses a method for providing real-time pricing notifications of purchaser requirements to vendors.¹ More specifically, a vendor computer 104 receives a buy request from a client computer 102.² It is noted that Esposito does not disclose that the buy request submitted by the client computer 102 includes “said article information and said identification information,” wherein said identification information is unrewritable and used by a controller to produce “said name of the user and said destination designated by the user,” as in amended Claim 1. The vendor computer 104, in Esposito, then searches a database of merchants and finds a salesperson for each of the merchants that match the information submitted in the buy request.³ The vendor computer 104 then transmits a vendor notification to the remote terminal 110 of a salesperson of the selected merchants. The vendor notification includes the price for obtaining the information of the client who submitted the

¹ Esposito, Abstract.

² Esposito, column 5, lines 50-62.

³ Esposito, column 5, line 63 to column 6, line 49.

buy request using client computer 102.⁴ After the salespersons of each selected merchant has received the notification for a specified period of time, the price for obtaining the information of the client who submitted the buy request drops until a salesperson agrees to pay for the information of the client who submitted the buy request.⁵ The salesperson agrees to pay for the information of the client who submitted the buy request by submitting a Vendor Notification Purchase Request to the vendor computer 104.⁶ “The salesperson who is issuing the Vendor Notification Purchase Request is identified by the vendor computer by examining the requesting terminal’s electronic serial number (ESN) and mapping this to the assigned salesperson.”⁷ The information of the client who submitted the buy request is then transmitted to the remote terminal 110 of the salesperson.⁸

It is noted that the information the vendor computer 104 sends to the remote terminal 110 of the salesperson is the name and contact information of the client who submitted the buy request, and is not the name of the salesperson and a destination designated by the salesperson. Therefore, Esposito does not disclose a communication interface configured to “send said article information and user information to the terminal of an online shopping dealer of the article selected for purchase,” as recited in amended Claim 1. Further, Esposito does not disclose a controller configured to “produce user information including said name of the user and said destination designated by the user based on said identification information,” as recited in amended Claim 1.

Further, the outstanding Office Action states “the salesperson’s wireless terminal (user terminal) sends (sending article information) a Vendor Notification Purchase Request message back to the vendor computer (online shopping dealer).”⁹ Therefore, the outstanding

⁴ Esposito, column 6, lines 49-65.

⁵ Esposito, column 6, line 49 to column 7, line 28.

⁶ Esposito, column 7, lines 29-41.

⁷ Esposito, column 7, lines 34-41.

⁸ Esposito, column 7, line 42 to column 8, line 3.

⁹ Office Action mailed October 5, 2004, page 2, lines 17-19.

Office Action states that vendor computer 104 and remote terminal 110 in Esposito correspond to the user's terminal 200 and online shopping dealer 300 of amended Claim 1, respectively. With this interpretation, Esposito does not disclose the online shopping server of amended Claim 1, but only discloses the user's terminal and online shopping dealer that the online shopping server communicates with. Further, even if the outstanding Office Action were to identify the remote terminal 110 of Esposito as corresponding to the user's terminal of amended Claim 1 and the vendor computer of Esposito as corresponding to the online shopping server of amended Claim 1, Esposito would fail to disclose a communication interface configured to "send said article information and user information to the terminal of an online shopping dealer of the article selected for purchase," wherein the user information is produced by the controller of the online shopping server based on the identification information, as required in amended Claim 1. As discussed above, Esposito discloses a vendor computer 104 sending the information of the client who submitted the buy request to the remote terminal 110 of the salesperson, but is not sending user information "including said name of the user and said destination designated by the user based on said identification information" to the "the terminal of an online shopping dealer of the article selected for purchase," in contrast to the requirements of amended Claim 1.

Independent Claim 6 and 11 recite similar limitations as in Claim 1 as discussed above, and thus are allowable for similar reasons as noted above.

Accordingly, it is respectfully requested that the rejection of amended independent Claims 1, 6, and 11 under 35 U.S.C. § 102(e) be withdrawn for the reason discussed above. Likewise, it is respectfully requested that the rejection of dependent Claims 2, 3, 7, 8, 12, and 13 that depend from parent Claims 1, 6, and 11 also be withdrawn for at least the same reasons as discussed above with respect to the parent claims.

With regard to the rejection of Claims 4, 5, 9, 10, 14, and 15 under 35 U.S.C. § 103(a) as unpatentable over Esposito in view of Wolfe, this rejection is respectfully overcome.

Wolfe does not cure the deficiencies as discussed above with respect to Esposito, and therefore dependent Claims 4, 5, 9, 10, 14, and 15 are also believed to patentably distinguish over the cited references at least because of the same reasons as discussed above with respect to parent Claims 1, 6, and 11.

As no other issues are believed to remain outstanding relative to this application, it is believed to be clear that this application is in condition for formal allowance and an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Surinder Sachar

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Surinder Sachar
Registration No. 34,423